

Interview Summary

Application No.

09/864,083

Applicant(s)

WORTZMAN ET AL.

Examiner

Vickie Kim

Art Unit

1614

All participants (applicant, applicant's representative, PTO personnel):

(1) Vickie Kim.

(3) Mr. Behm, Ted.

(2) Ms. Feehey, Mary ellen (Applicant's Rep.).

(4) _____.

Date of Interview: 24 February 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: All pending.

Identification of prior art discussed: Gordon et al (5,932,612) and Lukenback et al (US 5980871).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation Sheet (PTOL-413)

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant emphasizes the claimed pH range(5.5-8) different from Gordon's Patent which is silent about the pH. Applicants argue that US'612 or US'871 fails to show prima facie obviousness because each patent fails to teach each claimed element(i.e. pH). Because the hydroquinone is stable in low pH, applicant's invention is different from the conventional product that changes the color in neutral pH. However, the argument is not persuasive due to the reasons of the record. The examiner proposed that the claims should be directed to the method claims that shows the unexpected results, Declaration that could prove the different pH of the instant application from Gordon's product found in the embodiment, or the composition claims with different structures(e.g. additional ingredients that make the pH of the product different from Gordon's Patented product) .